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SUBJECT: PRO-WOMEN AMENDMENT TO PAKISTAN CRIMINAL LAW

11. (U) Summary: On January 29, President Asif Ali Zardari signed the Criminal Law (Amendment) Act 2009 into effect. The legislation amends the Pakistan Penal Code and the Code of Criminal Procedure to include provisions for making workplace harassment against women punishable. This legislation is one of three pro-women bills reviewed in 2009, two of which are still pending parliamentary approval. The enactment of the Criminal Law (Amendment) Act has been lauded as an important step forward for women and is a result of dedicated government and civil society efforts. End summary.

THREE PRO-WOMEN BILLS

12. (U) In 2009, the government introduced two bills for legislation against sexual harassment in the workplace, namely the Criminal Law (Amendment) Act and the Protection Against Harassment at Workplace act. Despite opposition, the former was passed by the National Assembly in November 2009 and the Senate on January 20, 2010.

13. (U) The second more comprehensive bill, the Protection Against Harassment at the Workplace Act, was passed by the National Assembly in January 2010 and is now pending Senate approval by an April deadline. This bill includes a more detailed definition of harassment and proposes a code of conduct as a guideline for workplace behavior. Sherry Rehman, former Information Minister and In-Charge Minister for Women Development (also a member of the Women Workers' Union) played a strong role in introducing and promoting the act.

14. (U) A third piece of legislation, the Domestic Violence (Prevention and Protection) Act, has been more controversial. Among other things, it seeks to create protection committees in every one of Pakistan's 450 plus tehsils (administrative districts) to protect women and children from domestic violence and to make perpetrators subject to punishment under the criminal code. The bill was passed by the National Assembly in August 2009, but the Senate failed to approve it within the required 90 days. A mediation committee will review and draft the new bill with reconciled differences to be presented again to the National Assembly.

PROVISIONS OF THE CRIMINAL LAW (AMENDMENT) ACT

15. (U) The Criminal Law (Amendment) Act aims to "create a

safe working environment for workers which is free of sexual harassment, abuse and intimidation" with a view of enabling higher productivity and better quality of life at work. The bill amends both the Pakistan Penal Code and the Code of Criminal Procedure, establishing punishment of up to three years imprisonment and a fine of up to 500,000 rupees (approximately \$6,000). Previously, the Pakistan Penal Code included an unspecified fine for a vague "insult to the modesty of a woman". According to the recently passed bill, whoever "intending to insult the modesty of any woman" utters any word, sound, or gesture, or demands any sexual favor from a woman in the workplace would be subject to punishment. The bill defines workplace, but extends the occurrence of such an offence to public places, including markets, public transport, streets, and private places.

SUPPORT AND OPPOSITION

¶6. (SBU) During 2009 the fate of all three bills was uncertain. It was believed that some powerful lobbies were obstructing the legislation. The National Commission on the Status of Women many times expressed its concern over delays, criticizing the government for appeasing religious parties. The Criminal Law (Amendment) Act, initiated by the ruling Pakistan People's Party (PPP), was supported by a majority of parliamentarians, including the Pakistan Muslim League-Nawaz (PML-N), the Muttahida Qaumi Movement, the Pakistan Muslim League (PML), the Baloch National Party, and the Awami National Party.

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¶7. (SBU) The Criminal Law (Amendment) Act also faced some opposition. Legislators from religious parties, Jamiat Ulama-e-Islam (JUI) and Jamat-e-Islami (JI), as well as some from the PML-N, voiced their opposition to the amendment, calling it un-Islamic. JUI and JI Senators said that the amendment was a "violation of the fundamental norms of Islam and the constitution" and would promote "vulgarity among women." Their proposal that the bill be sent to the Council of Islamic Ideology for further review was rejected by the Senate.

¶8. (SBU) Comment. The enactment of the Criminal Law (Amendment) Act is an important step towards providing protection to women in the workplace. Human rights organizations and women groups have rightly welcomed the legislation as a concrete step forward to provide a safer environment for women. The debate surrounding this and the other two bills is creating awareness about this crime, which has otherwise existed as an accepted norm. The passage of this amendment has increased the prospects for the other two bills on sexual harassment and domestic violence. End comment.
PATTERSON